



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1528/2
RJM:cmh:hmh

**SENATE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 700**

March 3, 2000 - Offered by COMMITTEE ON AGRICULTURE, ENVIRONMENTAL
RESOURCES AND CAMPAIGN FINANCE REFORM.

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 34, line 15: delete lines 15 to 19 and substitute:

3 **"SECTION 65m.** 6.22 (2) (b) of the statutes is repealed and recreated to read:
4 6.22 (2) (b) Notwithstanding s. 6.87 (4), a military elector shall make and
5 subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S.
6 citizen."

7 **2.** Page 35, line 16: delete "certification or affidavit" and substitute "affidavit
8 certification".

9 **3.** Page 37, line 10: delete the material beginning with "certificate" and ending
10 with "certificate-affidavit" on line 11 and substitute "certificate affidavit".

11 **4.** Page 37, line 13: delete the material beginning with "Whenever" and ending
12 with "citizens." on line 15 and substitute "~~Whenever an application, affidavit or other~~
13 ~~act is required in ss. 6.86 to 6.89 an overseas elector may fulfill the requirements by~~

1 ~~subscribing or swearing before any person authorized to administer oaths or 2 adult~~
2 ~~U.S. citizens~~ Notwithstanding s. 6.87 (4), an overseas elector shall make and
3 subscribe to the special certificate form before a witness who is an adult U.S.
4 citizen.”.

5 **5.** Page 38, line 6: after that line insert:

6 “**SECTION 75m.** 6.24 (7) of the statutes is amended to read:

7 6.24 (7) VOTING PROCEDURE. Except as authorized under s. 6.25, the ballot shall
8 be marked or punched and returned, deposited and recorded in the same manner as
9 other absentee ballots. In addition, the ~~certificate-affidavit~~ certificate shall have a
10 statement of the elector’s birth date. Failure to return the unused ballots in a
11 primary election does not invalidate the ballot on which the elector casts his or her
12 votes.”.

13 **6.** Page 44, line 1: delete “notarize the affidavit” and substitute “notarize the
14 ~~affidavit~~ witness the voting procedure”.

15 **7.** Page 44, line 24: delete the material beginning with that line and ending
16 with page 45, line 5, and substitute:

17 “**SECTION 95p.** 6.87 (2) of the statutes is amended to read:

18 6.87 (2) ~~The~~ Except as authorized under sub. (3) (d), the municipal clerk shall
19 place the ballot in an unsealed envelope furnished by the clerk. The envelope shall
20 have the name, official title and post-office address of the clerk upon its face. The
21 other side of the envelope shall have a printed ~~certificate-affidavit~~ certificate in
22 substantially the following form:

23 [STATE OF

24 County of]

1 or

2 [(name of foreign country and city or other jurisdictional unit)]

3 I, ..., ~~(certify) (do solemnly swear)~~ subject to the penalties of s. 12.60 (1) (b), Wis.
4 Stats., for false statements, that I am a resident of the [... ward of the] (town) (village)
5 of ..., or of the aldermanic district in the city of ..., residing at ... in said city, the
6 county of ..., state of Wisconsin, and am entitled to vote in the (ward) (election
7 district) at the election to be held on; that I am not voting at any other location
8 in this election; that I cannot appear at the polling place in the (ward) (election
9 district) on election day because I expect to be absent from the municipality or
10 because of age, sickness, handicap, physical disability, religious reasons, jury duty,
11 service as an election official, or because I have changed my residence within the
12 state from one ward or election district to another within 10 days before the election.
13 I ~~(certify) (swear)~~ that I exhibited the enclosed ballot unmarked to the ~~(2 witnesses)~~
14 ~~(person administering the oath)~~ witness, that I then in ~~(their)~~ (his) (her) presence
15 and in the presence of no other person marked the ballot and enclosed and sealed the
16 same in this envelope in such a manner that no one but myself and any person
17 rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could
18 know how I voted.

19 Signed ...

20 The ~~(2 witnesses) (person administering the oath)~~ witness shall execute either
21 of the following as appropriate:

22 We I, the undersigned ~~witnesses~~ witness, subject to the penalties of s. 12.60 (1)
23 (b), Wis. Stats., for false statements, certify that the above statements are true and
24 the voting procedure was executed as there stated. ~~Neither of us is~~ I am not a
25 candidate for any office on the enclosed ballot (except in the case of an incumbent

1 municipal clerk). ~~The elector was not solicited or advised by us~~ I did not solicit or
2 advise the elector to vote for or against any candidate or measure.

3(Name)

4(Address)

5(Name)

6(Address)

7 ~~Subscribed and sworn to before me this day of, A.D.,, and I hereby~~
8 ~~certify that I am not a candidate on the ballot upon which the affiant voted (unless~~
9 ~~I am an incumbent municipal clerk), that the voting procedure above was executed~~
10 ~~as therein stated, and that the affiant was not solicited or advised by me to vote for~~
11 ~~or against any candidate or measure.~~

12(Name)

13(Title)

14(State or nation)".

15 **8.** Page 45, line 23: delete “certificate–affidavit” and substitute “certificate”.

16 **9.** Page 46, line 1: delete “affidavit or the”.

17 **10.** Page 46, line 3: delete “certificate–affidavit” and substitute “certificate”.

18 **11.** Page 46, line 7: delete the material beginning with that line and ending
19 page 47, line 2, and substitute:

20 “**SECTION 98p.** 6.87 (4) of the statutes is amended to read:

21 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
22 shall ~~either make and subscribe to the affidavit before a person authorized to~~
23 ~~administer oaths or~~ make and subscribe to the certification before ~~2 witnesses~~ one
24 witness. The absent elector, in the presence of the ~~administrator of the oath or~~

1 witnesses witness, shall mark or punch the ballot in a manner that will not disclose
2 how the elector's vote is cast. The elector shall then, still in the presence of the
3 ~~administrator of the oath or the 2 witnesses~~ witness, fold the ballots if they are paper
4 ballots so each is separate and so that the elector conceals the markings ~~or punches~~
5 thereon and deposit them in the proper envelope, ~~but~~. If a consolidated ballot under
6 s. 5.655 is used, the elector shall fold the ballot if it is a paper ballot so that the elector
7 conceals the markings thereon and deposit the ballot in the proper envelope. The
8 elector may receive assistance under sub. (5). The return envelope shall then be
9 sealed. The ~~witnesses or the official oath administrator~~ witness may not be a
10 candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered
11 in person, to the municipal clerk issuing the ballot or ballots. Failure to return an
12 unused ballot in a primary does not invalidate the ballot on which the elector's votes
13 are cast. Return of more than one marked or punched ballot in a primary or return
14 of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system
15 in a primary which is marked or punched for candidates of more than one party
16 invalidates all votes cast by the elector for candidates in the primary.

17 **SECTION 99m.** 6.87 (7) of the statutes is amended to read:

18 6.87 (7) No individual who is a candidate at the election in which absentee
19 ballots are cast may ~~administer the oath or~~ serve as a witness. Any candidate who
20 ~~administers the oath or~~ serves as a witness shall be penalized by the discounting of
21 a number of votes for his or her candidacy equal to the number of ~~certificate-affidavit~~
22 certificate envelopes bearing his or her signature.

23 **SECTION 100m.** 6.87 (8) of the statutes is amended to read:

1 6.87 (8) The provisions of this section which prohibit candidates from assisting
2 or administering the oath to servng as a witness for absentee electors shall not apply
3 to the municipal clerk in the performance of the clerk’s official duties.

4 **SECTION 101m.** 6.87 (9) of the statutes is amended to read:

5 6.87 (9) If a municipal clerk receives an absentee ballot with an improperly
6 completed ~~certificate–affidavit~~ certificate or with no ~~certificate–affidavit~~ certificate,
7 the clerk may return the ballot to the elector, inside the sealed envelope when an
8 envelope is received, together with a new envelope if necessary, whenever time
9 permits the elector to correct the defect and return the ballot within the period
10 prescribed in sub. (6).”.

11 **12.** Page 50, line 13: delete “~~certificate–affidavit~~” and substitute
12 “~~certificate–affidavit~~ certificate”.

13 **13.** Page 51, line 4: delete “or affidavit”.

14 **14.** Page 51, line 5: delete “~~certificate–affidavit~~” and substitute “certificate”.

15 **15.** Page 51, line 6: delete “or affidavit”.

16 **16.** Page 51, line 20: delete the material beginning with that line and ending
17 with page 52, line 11, and substitute:

18 “**SECTION 108m.** 6.88 (3) (a) of the statutes is amended to read:

19 6.88 (3) (a) Any time between the opening and closing of the polls on election
20 day, the inspectors shall open the carrier envelope only, and announce the absent
21 elector’s name. When the inspectors find that the certification ~~or affidavit~~ has been
22 properly executed, the applicant is a qualified elector of the ward or election district,
23 and the applicant has not voted in the election, they shall enter an indication on the
24 poll or registration list next to the applicant’s name indicating an absentee ballot is

1 cast by the elector. They shall then open the envelope containing the ballot in a
2 manner so as not to deface or destroy the affidavit or certification thereon. The
3 inspectors shall take out the ballot without unfolding it or permitting it to be
4 unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall
5 verify that the ballot has been endorsed by the issuing clerk. The inspectors shall
6 deposit the ballot ~~in~~ into the proper ballot box and enter the absent elector's name
7 or voting number after his or her name on the poll or registration list the same as if
8 the elector had been present and voted in person.

9 **SECTION 109p.** 6.88 (3) (b) of the statutes is amended to read:

10 6.88 (3) (b) When the inspectors find that ~~an affidavit or a~~ certification is
11 insufficient, that the applicant is not a qualified elector in the ward or election
12 district, that the ballot envelope is open or has been opened and resealed, ~~or~~ that the
13 ballot envelope contains more than one ballot of any one kind or that the certificate
14 of an elector who received an absentee ballot by facsimile transmission or electronic
15 mail is missing, or if proof is submitted to the inspectors that an elector voting an
16 absentee ballot has since died, the inspectors shall not count the ballot. The
17 inspectors shall endorse every ballot not counted on the back, "rejected (giving the
18 reason)". The inspectors shall reinsert each rejected ballot into the ~~affidavit~~
19 certificate envelope in which it was delivered and enclose the ~~affidavit~~ certificate
20 envelopes and ballots, and securely seal the ballots and envelopes in an envelope
21 marked for rejected absentee ballots. The inspectors shall endorse the envelope,
22 "rejected ballots" with a statement of the ward or election district and date of the
23 election, signed by the chief inspector and one of the inspectors representing each of
24 the 2 major political parties and returned to the municipal clerk in the same manner
25 as official ballots voted at the election."

1 **17.** Page 60, line 24: after that line insert:

2 “**SECTION 128m.** 7.51 (3) (d) of the statutes is amended to read:

3 7.51 (3) (d) All absentee ~~certificate–affidavit~~ certificate envelopes which have
4 been opened shall be returned by the inspectors to the municipal clerk in a securely
5 sealed carrier envelope which is clearly marked “used absentee ~~certificate–affidavit~~
6 certificate envelopes”. The envelopes shall be signed by the chief inspector and 2
7 other inspectors. Except when the ballots are used in a municipal or school district
8 election only, the municipal clerk shall transmit the used envelopes to the county
9 clerk.”.

10 **18.** Page 81, line 15: delete lines 15 to 24 and substitute:

11 “**SECTION 166p.** 9.01 (1) (b) 2. of the statutes is amended to read:

12 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
13 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly
14 marked and carefully preserved. The number of voters shall be reduced by the
15 number of ballot envelopes set aside under this subdivision. An absentee ballot
16 envelope is defective only if it is ~~neither sworn nor~~ not witnessed, or if it is not signed
17 by the voter or if the ~~affidavit supporting the absentee ballot envelope has such a~~
18 ~~number of technical errors that the board of canvassers is doubtful of the legal effect~~
19 ~~of the affidavit~~ certificate accompanying an absentee ballot that the voter received
20 by facsimile transmission or electronic mail is missing.”.

21

(END)